

ESSB 6381 - H AMD TO H AMD (TO H-5516.6/10) 1536

By Representative Simpson

FAILED 3/08/2010

1 On page 45, beginning on line 26 of the striking amendment, strike  
2 all of subsection (13) and insert the following:

3 "(13) During the 2009-11 biennium, the department shall  
4 implement a pilot project that expands opportunities for private  
5 transportation providers' use of high occupancy vehicle lanes,  
6 transit-only lanes, and certain park and ride facilities. The pilot  
7 project must establish that to receive grant funding from a program  
8 administered by the public transportation office of the department  
9 during the 2009-11 biennium, the local jurisdiction in which the  
10 applicant is located must be able to show that it has in place an  
11 application process for the reasonable use by private transportation  
12 providers of high occupancy vehicle lanes, transit-only lanes, and  
13 certain park and ride facilities that are regulated by the local  
14 jurisdiction. If a private transportation provider clearly  
15 demonstrates that the local jurisdiction failed to consider an  
16 application in good faith, the department may not award the  
17 jurisdiction any grant funding. Reasonable use exists if the private  
18 transportation provider has applied for the use of: (a) High  
19 occupancy vehicle or transit-only lanes, and such use will not  
20 interfere with safe and efficient public transportation operations  
21 and not reduce the speed of the lanes more than five percent during  
22 peak hours; or (b) a park and ride lot (i) during peak hours at a  
23 lot that is below ninety percent capacity during peak hours or (ii)  
24 during off-peak hours only; and (c) the use described under  
25 subsections (a) and (b) is consistent with applicable federal  
26 requirements. A transit agency may require that a private  
27 transportation provider enter into an agreement for use of the park

1 and ride lot as provided in RCW 47.04.290. For purposes of this  
2 subsection: A "private transportation provider" means an auto  
3 transportation company regulated under chapter 81.68 RCW; a  
4 passenger charter carrier regulated under chapter 81.70 RCW; a  
5 private nonprofit transportation provider regulated under chapter  
6 81.66 RCW; or a private employer transportation service provider;  
7 and "private employer transportation service" means regularly  
8 scheduled, fixed-route transportation service that is offered by an  
9 employer for the benefit of its employees."

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**EFFECT:** Replaces the existing pilot project with a modified version of the same pilot project, and makes the following changes: (1) Adds to the definition of "reasonable use" the requirement that use of an HOV lane, transit-only lane, or park and ride lot must be consistent with any applicable federal requirements; and (2) Replaces the requirement that a transit agency may require a private transportation provider to pay for actual costs of the use of the facility with a requirement that the transit agency may require that a private provider enter into an agreement as provided under RCW 47.04.290, which allows, among other things, for the recovery of costs and fair market value.

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